

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 62-2012

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES
FOR THE REGIONAL MUNICIPALITY OF NIAGARA AND
TO REPEAL BY-LAW 62-2009

WHEREAS the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies;

AND WHEREAS the Council of The Regional Municipality of Niagara completed a development charge background study on July 5, 2012;

AND WHEREAS the Council of The Regional Municipality of Niagara gave notice, made available this proposed by-law and the background study, and on June 6, 2012 held a public meeting;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

DEFINITIONS

1. In this By-law:

"Act" means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

"agricultural use" means use or intended use for bona fide farming purposes:

(a) including (but not limited to):

- (i) cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, sod, trees, shrubs, flowers, and ornamental plants;
- (ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and
- (iii) agricultural animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening;

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- (b) but excluding:
- (i) retail sales activities; including but not limited to restaurants, banquet facilities, hospitality facilities and gift shops;
 - (ii) services related to grooming, boarding or breeding of household pets;

"apartment dwelling" means a residential building containing two or more dwelling units, of which not all dwelling units have a separate entrance to grade;

"board of education" means a board as defined in the *Education Act*, R.S.O. 1990, c. E.2, as amended;

"brownfield" means land located within the boundaries of the approved Community Improvement Plan areas, as set out in Schedule "D" to this By-law as may be amended from time to time, or within the boundaries of the urban areas as defined from time to time in the Region's Policy Plan, upon which there has been previous industrial or commercial development (although such development may have been demolished) and for which a Phase I Environmental Site Assessment and Record of Site Condition have been completed pursuant to the *Guideline for Use at Contaminated Sites in Ontario* (Ontario Ministry of the Environment);

"building permit" means a permit pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

"calculation date" means the date on which the Chief Building Official of the local municipality has received:

- (a) the application for the building permit; and
- (b) all accompanying information, approvals and documents required to be provided by the applicant seeking the building permit and within the control of the applicant,

even if such Chief Building Official has not yet received:

- (c) payment of all fees and charges (including development charges) in respect of the issuance of the building permit; and /or
- (d) all information, approvals and documents required for the building permit, but:
 - (i) not within the control of the applicant; and

- (ii) for which the applicant has taken all necessary and reasonable steps to obtain;

"charitable institution" means a charitable, non-profit philanthropic corporation organized for the relief of the poor if the corporation is supported in part by public funds, and which is exempt from taxation as a charitable institution pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended;

"commercial purpose" means used, designed or intended for use for or in connection with the purchase and/or sale and/or rental of commodities; the provision of services for a fee; or the operation of a business office;

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment; notwithstanding the foregoing, development does not include temporary structures, including but not limited to, seasonal hoop structures, seasonal fabric structures, tents, or produce sales stands;

"duplex dwelling" means a residential building containing two dwelling units separated by horizontal division, each of which units has a separate entrance to grade;

"dwelling room" means either:

- a) each bedroom used, designed or intended for use by one or more persons living together in a lodging home, or student residence, or
- b) in the case of a special care/special need residence, each individual room or suite of rooms used, designed or intended for use by one or two persons with or without exclusive sanitary and/or culinary facilities.

"dwelling unit" means one or more rooms used, designed or intended to be used by one or more persons as a residence and which has access to culinary and/or sanitary facilities. A "dwelling unit" does not include a Park Model Trailer conforming to National Standard of Canada #CAN/CSA - Z241.0-92 or similar standard;

"existing industrial building" means a building used for or in connection with:

- (a) manufacturing, producing, processing, storing or distributing something;
- (b) research or development in connection with manufacturing, producing or processing something;

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- (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;
- (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

“granny flat” means a one-unit detached, temporary residential structure, containing culinary and sanitary facilities that is ancillary to an existing residential structure and that is designed to be temporary;

“gross floor area” means the total floor area, measured between the outside of exterior walls, virtual walls or between the outside of exterior walls or virtual walls and the centre line of party walls dividing the building from another building, of all floors and mezzanines above the average level of finished ground adjoining the building at its exterior walls;

“group home” means a dwelling for the accommodation of three to eight residents, supervised by agency staff and funded wholly or in part by any government or its agency and approved or supervised by the Province of Ontario under any act.

“hotel/motel” means a commercial establishment offering lodging to travellers and sometimes longer term residents, and may include other services such as restaurants, meeting rooms and stores that are available to the general public, but does not include a dwelling unit.

“industrial use” means land, buildings or structures used for or in connection with manufacturing by:

- (a) manufacturing, producing, processing, storing or distributing something;
- (b) research or development in connection with manufacturing, producing or processing something;
- (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;

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- (d) office or administrative purposes, if it is:
 - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and
 - (iii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;
- (e) self storage facilities;

"institutional" means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public and non-profit purpose and includes offices where such uses are accessory to an institutional use;

"local board" means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of one or more local municipalities or the Region, but excluding a board of education, a conservation authority, any municipal services corporation that is not deemed to be a local board under O. Reg. 599/06 made under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

"local municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;

"lodging home" means a use in which the proprietor supplies for gain, lodging with or without meals to three or more persons other than the proprietor or members of his family but does not include a tourist establishment, hotel/motel, hospital or special care/special need residence, but does include a rooming house, boarding house and a student residence.

"long term care home" means a home, nursing home or home for the aged where the Ministry of Health and Long Term Care funds the care provided in such home and application for accommodation is made through a Community Care Access Centre.

"mezzanine" means an intermediate floor assembly between the floor and ceiling of any room or storey and includes an interior balcony;

"mixed-use building" means a building or structure used for both residential and non-residential use;

"multiplex dwelling" means a residential building containing three or more dwelling units, each of which unit has a separate entrance to grade;

"municipal housing project facilities" has the same meaning as that specified in the Region's *Municipal Housing Facility By-law* (No. 34-2004), as may be amended;

"non-residential building" means a building or structure used exclusively for non-residential use;

"non-residential use" means use or intended use for any purpose other than human habitation and includes, but is not limited to, an institutional use, an industrial use, a hotel/motel use and a commercial use;

"other multiple" means all residential units other than a single detached dwelling, apartment dwelling or a dwelling room, including, but not limited to, semi-detached, row, multiplex and duplex units;

"parking structure" means buildings or structures uses for the parking of motor vehicles;

"place of worship" means any building or part thereof that is owned by a church or religious organization that is exempt from taxation as a place of worship pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended;

"premise" means one or more dwelling units and/or one or more square feet used for non-residential use;

"Region" means The Regional Municipality of Niagara;

"Regulation" means O.Reg. 82/98 under the Act, as amended;

"residential building" means a building used exclusively for residential use, including but not limited to a single detached dwelling, a semi-detached dwelling, a row dwelling, a duplex dwelling, a multiplex dwelling, an apartment dwelling, or a dwelling room;

"residential use" means use or intended use for human habitation and ancillary purposes, and includes such use related to agricultural use, but does not include a hotel/motel use; for purposes of this definition "ancillary purposes" includes (but is not limited to) vehicle storage and equipment storage;

"row dwelling" means a residential building containing three or more dwelling units separated by vertical division, each of which units has a separate entrance to grade;

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"semi-detached dwelling" means a residential building containing two dwelling units separated by vertical division each of which units has a separate entrance to grade;

"single detached dwelling" means a residential building containing one dwelling unit and not attached to another structure. Where it is attached to another structure by footings or below grade walls only, it shall be considered a single detached dwelling for the purposes of this by-law;

"special care/special need residence" means a residence

- a) containing two or more dwelling rooms, which rooms have common entrance from street level;
- b) where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and
- c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or lodges, charitable dwellings, group homes and hospices; and

"use" means either residential use or non-residential use.

RULES

2. For the purposes of complying with section 6 of the Act:
 - (a) The rules for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be in accordance with sections 4 through 10, and 21 through 23.
 - (b) The rules for determining exemptions, relief, credits and adjustments shall be in accordance with sections 11 through 18.
 - (c) The rules for determining the phasing in of development charges shall be in accordance with section 9.
 - (d) The rules for determining the indexing of development charges shall be in accordance with sections 21 through 23.
 - (e) The rules respecting the redevelopment of land shall be in accordance with sections 19 and 20.

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LANDS AFFECTED

3. This By-law applies to all lands in the geographic area of the Region, being all of the lands shown on Schedule "A".

APPROVALS FOR DEVELOPMENT

4. (1) Development charges under this By-law shall be imposed against all development if the development requires:
- (a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended;
 - (b) approval of a minor variance under section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
 - (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
 - (e) a consent under section 53 of the *Planning Act*;
 - (f) the approval of a description under section 50 of the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended; or
 - (g) the issuing of a permit under the *Building Code Act* in relation to a building or structure.
- (2) Nothing in this By-law prevents Council of the Region from requiring, in an agreement under section 51 of the *Planning Act* or as a condition of consent or an agreement respecting same under section 53 of the *Planning Act*, that the owner, at his or her own expense, install such local services related to or within the area to which a plan of subdivision or consent relates, as Council may require, in accordance with the Region's applicable local service policy in the effect at the time.

DESIGNATION OF SERVICES

5. The categories of services (from among those for which the Region is responsible) for which a development charge is calculated under this By-law are as follows:

<u>Category</u>	<u>Principal Components</u>
General Government	growth-related studies
Police Services	facilities

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Emergency Medical Services	ambulances facilities
Roads	roads road related structures and works
Water	supply storage treatment distribution
Wastewater	collection treatment

6. A development charge shall include:
- (a) a charge in respect of general government, police services, emergency medical services and roads;
 - (b) if water service is available, a charge in respect of water; and
 - (c) if wastewater service is available, a charge in respect of wastewater.

AMOUNT OF CHARGE

Amount of Charge – Residential

7. For development for residential purposes, development charges shall be imposed on all residential development, including a dwelling unit accessory to a non-residential development and the residential component of a mixed-use building, according to the number and type of dwelling units on the lands as set out in Schedule "B".

Amount of Charge – Non-residential

8. For development for non-residential purposes, development charges shall be imposed on all non-residential development and, in the case of a mixed-used building, on the non-residential component of the mixed-use building, according to the type and gross floor area of the non-residential component as set out in Schedule "B".

Phasing In of Development Charges

9. The development charge schedule in Schedule "B" is not being phased in.

TIMING AND CALCULATION AND PAYMENT

10. (1) The development charge under this By-law shall be calculated using the rate effective on the calculation date with respect to such development and shall be payable on the issuance of a building permit with respect to such development.
- (2) No Chief Building Official of any local municipality shall issue a building permit in respect of a development for which a development charge is payable pursuant to this By-law, until such development charge is paid.
- (3) The Region may, by agreement pursuant to section 38 of the Act, permit an owner to perform work that relates to a service to which this by-law applies in lieu of the payment of all or any portion of a development charge. The Region will give the owner who performed the work a credit towards the development charge in accordance with the agreement and subject to the requirements of the Act. In addition, the Region may, in the case of development located outside of the existing service area, require payment of an appropriate share of the costs of the required infrastructure within the existing service area, in addition to the costs external to the service area.

EXEMPTIONS

11. The following are exempt from the payment of development charges under this By-law by reason of section 3 of the Act:
 - (a) lands and buildings owned by and used for the purposes of any local municipality or the Region or any local board unless such buildings or parts thereof are used, designed or intended for use primarily for or in connection with any commercial purpose; and
 - (b) land and buildings owned by and used for the purposes of a board of education unless such buildings or parts thereof are used, designed or intended for use primarily for or in connection with any commercial purpose.
12. Notwithstanding any other provision of this By-law, no development charge is imposed under this By-law respecting:
 - (a) granny flats;
 - (b) parking structures;
 - (c) lands and buildings used for agricultural use; notwithstanding this provision, a development charge shall be imposed in relation to

agricultural use unless the owner of the fee simple of the land intends to actually use and occupy the land for such respective agricultural use;

- (d) that portion of a place of worship which is used exclusively as a place of worship for religious services and any reception and meeting areas used in connection with, or integral to, the worship space, including hallways, attached meeting rooms and lobbies and excluding, but not limited to, areas such as office, storage buildings, kitchen, classrooms, fellowship hall and library;
- (e) lands and buildings which are used or intended to be used as municipal housing project facilities, as set out in section 110 of the *Municipal Act, 2001*, S.O. 2001, c. 25, O. Reg.603/06 under the *Municipal Act, 2001*, and the Region's *Municipal Housing Facility By-law* (No. 34-2004), all as may be amended;
- (f) lands and buildings used for affordable housing projects that receive funding through an agreement with Niagara Regional Housing, provided that the owner of the lands continues to use the lands and buildings for affordable housing. The owner shall be required to enter into an agreement with the Region under section 27 of the Act, in a form satisfactory to the Commissioner of Integrated Community Planning and Director of Legal Services, notice of which the owner shall register on the title to the lands at its sole cost and expense, with the intention that the provisions shall bind and run with title to the lands. If the owner ceases to use the lands and buildings for affordable housing, the development charges shall become immediately due and payable;
- (g) land owned, used and occupied by a charitable institution, provided that the charitable institution continues to own, use and occupy the lands for the relief of the poor for a period of three (3) years from the date that the development charges would otherwise be payable under this By-law or the Act (the "deferral period"). The charitable institution shall be required to enter into an agreement with the Region under section 27 of the Act, in a form satisfactory to the Commissioner of Integrated Community Planning and Director of Legal Services, notice of which the charitable institution shall register on the title to the lands at its sole cost and expense, with the intention that the provisions shall bind and run with title to the lands. If the charitable institution ceases to own, use or occupy the lands for the relief of the poor within the deferral period, the development charges shall become immediately due and payable; and
- (h) gas station canopies.

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SPECIAL SITUATIONS

13. No development charge is payable for those lands and buildings for the Healthcare Complex on Fourth Avenue, St. Catharines owned by the Niagara Health System, being all of the lands more particularly described on Schedule "C1", save and except such buildings or parts thereof used, designed or intended for use primarily for or in connection with any commercial purpose.
14. No development charge is payable for those lands and buildings for the hospital on Main Street East, Grimsby, owned by West Lincoln Memorial Hospital, being all of the lands more particularly described on Schedule "C2", save and except such buildings or parts thereof used, designed or intended for use primarily for or in connection with any commercial purpose.

Rules With Respect to Designated Exemption Areas

15. The rules with respect to designated exemption areas are set out in Schedule "B1."

Rules With Respect to Exemptions for Intensification of Existing Housing

16. Pursuant to the Act, no development charge is payable if the development is only the enlargement of an existing dwelling unit.
17. Pursuant to the Act and Regulation, no development charge is payable if the development is only the creation of:
 - (a) one or two additional dwelling units in a dwelling unit in a single detached dwelling, where the total gross floor area of the additional dwelling unit or units is less than or equal to the gross floor area of the existing dwelling unit;
 - (b) one additional dwelling unit in a dwelling unit in a semi-detached dwelling or row dwelling, where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the existing dwelling unit; or
 - (c) one additional dwelling unit in a dwelling unit in a duplex dwelling, multiplex dwelling or apartment dwelling, where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest existing dwelling unit in the residential building.

Rules With Respect to Exemptions for Industrial Expansion

18. (1) Pursuant to the Act, but subject to the other provisions of this By-law, if a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is

payable in respect of the enlargement is determined in accordance with this section.

- (2) If the gross floor area is enlarged by 50 percent or less, the amount of the development charge in respect of the enlargement is zero.
- (3) If the gross floor area is enlarged by more than 50 percent, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
 1. Determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.
 2. Divide the amount determined under paragraph 1 by the amount of the enlargement.
- (4) The exemption shall not apply to expansions where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passage-way, or through a shared below-grade connection such as a service tunnel, foundation, footing or a parking facility.

Rules With Respect to Redevelopment – Demolitions

19. (1) If application is made for a building permit in respect of a parcel of land upon which a premise existed within five years prior to the date of such application, but which premise has been demolished or destroyed before the date of such application, then the amount of development charges payable upon issuance of the said building permit shall be reduced to the net amount, calculated pursuant to this By-law at the current development charge rates, that would be payable as development charges in respect of the demolished or destroyed premise, provided that such reduction shall not exceed the development charges otherwise payable. For purposes of this subsection, "net" means the excess of the development charges for premises constructed, over the development charges for premises demolished or destroyed.
- (2) If, at the time of payment of development charges in respect of a parcel of land, the owner of the said land provides written notification of his/her intention to demolish (within five years) a premise existing on that parcel at the time of such payment, then upon the subsequent assurance by the Treasurer of the relevant local municipality (or his or her designate) to the Region's Treasurer, within five years after such payment, that such premise on such parcel has indeed been so demolished (and the particulars of such demolished premise), the Region shall refund to such owner a reduction in the development charges paid, which reduction is the

amount, calculated pursuant to this By-law or a predecessor by-law of the Region, at the development charge rates in effect at the time of such payment, that would have been payable as development charges in respect of the premise demolished, provided that such reduction shall not exceed the development charges actually paid.

Rules With Respect to Redevelopment – Conversions

20. If a development includes the conversion of a premise from one use (the “first use”) to another use, then the amount of development charges payable shall be reduced by the amount, calculated pursuant to this By-law at the current development charge rates, that would be payable as development charges in respect of the first use, provided that such reduction shall not exceed the development charges otherwise payable.

INDEXING

21. The amounts of development charges imposed pursuant to this By-law, as set out in Schedule “B” shall be adjusted annually without amendment to this By-law, in accordance with the Statistics Canada Quarterly Construction Price Statistics (catalogue number 62-007), as follows:
- (a) the initial adjustment shall be one year from the effective date of this By-law; and
 - (b) thereafter, adjustment shall be made each year on the anniversary of the effective date of this By-law.
22. For greater certainty, on September 1st of each year, the annual indexation adjustment shall be applied to the development charge as set out in Schedule “B”, plus the accumulated annual indexation adjustments from previous years, if any.
23. Notwithstanding sections 21 and 22 of this By-law, Council of the Region may, for any particular year, waive the indexing for that particular year without amendment to this by-law.

GENERAL

24. The following schedules to this By-law form an integral part of this By-law:
- | | | |
|---------------|---|--|
| Schedule "A" | – | Map of the Regional Municipality of Niagara |
| Schedule “B” | – | Development Charges |
| Schedule “B1” | – | Rules with Respect to Designated Exemption Areas |
| Schedule “C1” | – | Legal Description of the Healthcare Complex Lands on Fourth Avenue, St. Catharines |

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- Schedule "C2" – Legal Description of the Hospital Lands on Main Street East, Grimsby
- Schedule "D" – Designated Areas for Regional Development Charges (Partial) Exemption/ Waiver (subject to section 15)
25. By-law 62-2009 is hereby repealed effective September 1, 2012.
26. Pursuant to the Act, and unless it is repealed earlier, this By-law shall expire five years after the date it comes into force.
27. Each of the provisions of this By-law is severable and if any provision hereof should, for any reason, be declared invalid by the Ontario Municipal Board or a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.
28. This By-law shall come into force and effect on September 1, 2012.

THE REGIONAL MUNICIPALITY OF NIAGARA


Original Signed By:

(Gary Burroughs, Regional Chair)


Original Signed By:

(Janet Pilon, Acting Regional Clerk)

Passed: July 6, 2012

Schedule "A" Niagara  Region

Map of the Regional Municipality of Niagara



Schedule "B"**Regional Development Charge Rates Table**

Amount of Development Charge

CATEGORY OF SERVICE	<i>Residential</i>				<i>Non-Residential per sq.ft. of gross floor area</i>			
	PER DWELLING UNIT			Per Dwelling Room	Commercial	Industrial	Institutional	Hotel/Motel
	Single Detached	Other Multiple	Apartment					
General Government	\$78	\$56	\$44	\$26	\$0.10	\$0.05	\$0.05	\$0.03
Police Services	\$252	\$182	\$141	\$83	\$0.33	\$0.15	\$0.16	\$0.10
Emergency Medical Services	\$74	\$54	\$42	\$24	\$0.03	\$0.01	\$0.01	\$0.01
Roads	\$5,451	\$2,807	\$1,891	\$1,188	\$6.02	\$2.71	\$2.83	\$1.81
Subtotal	\$5,855	\$3,099	\$2,118	\$1,321	\$6.48	\$2.92	\$3.05	\$1.95
Wastewater (in available)	\$3,178	\$2,292	\$1,782	\$1,042	\$3.81	\$1.70	\$1.79	\$1.15
Water (if available)	\$917	\$662	\$514	\$301	\$1.21	\$0.54	\$0.57	\$0.37
Total - Region Wide Services	\$9,950	\$6,053	\$4,414	\$2,664	\$11.50	\$5.16	\$5.41	\$3.47

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Schedule "B1"

Rules With Respect to Designated Exemption Areas

- (a) The applicable development charge shall be reduced by 50% for any development in relation to uses other than agricultural use for the following:
 - (i) development located within the boundaries of the approved Community Improvement Plan areas and designated Central Urban Areas as set out in Schedule "D" to this by-law, as may be amended from time to time. As of September 1, 2015 only the approved Community Improvement Plan areas are subject to this reduction;
 - (ii) development located on a brownfield; or
 - (iii) development of a long term care home.

- (b) The boundaries in Schedule "D" reflect approved Community Improvement Plan boundaries and may be modified from time to time by Council of the Region without amendment to this by-law and this by-law shall apply to such amended boundaries.

- (c) For proposed developments to which paragraph (a) applies, the applicable development charge may be reduced by the remaining 50% as approved by Council of the Region where, in the opinion of Council, the development includes three or more of the following features:
 - (i) "Intensification of an existing use," meaning redevelopment or building addition so as to add floor area and/or a residential unit or units.
 - (ii) "Creation of mixed uses," meaning redevelopment, addition or conversion so as to add a new compatible use or uses to a building or property. "Creation of mixed uses" also means new development that proposes a mixed use building or a mix of uses on the site.
 - (iii) "Contribution towards the creation of a walkable neighbourhood character," meaning development, redevelopment, addition or conversion within a neighbourhood context that features one or more of the following: safe and clearly demarcated pedestrian access to and within the development site, building orientation and pedestrian access oriented toward the street, site and building access directly from the street without requiring passage across a driveway or parking area, street-oriented building façade that features fenestration and entranceways to create a sense of permeability and movement between the street and the building interior, contribution to the quality of the public space on the street by the provision of space for public assembly, street furniture, artworks and/or landscaping.

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- (iv) "Creation of a range of housing opportunities and choices," meaning development, redevelopment, addition or conversion that adds multiple-unit housing types to the housing stock.
- (v) "Reduced setbacks from roadways," meaning development, redevelopment or conversion that places the building façade at the front lot line or closer to the street than the mid-point between the street line and the existing building. Where there is an existing building line along the block-face that is set back from the street line, "reduced front setbacks from roadways" means placing the building façade closer to the street line than the mid-point between the street line and the established building line.
- (vi) Such other features and program details as set out in the Smart Growth Program and approved by Council of the Region. The features and program details may be modified from time to time, as approved by Council of the Region, without amendment to this Bylaw.

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Schedule "C1"

***Legal Description of the Healthcare Complex
Lands on Fourth Avenue, St. Catharines***

Part of Lot 1, Concession 4 Louth, described as Part 1 on Reference Plan 30R-4521, except Part 1 on Reference Plan 30R-13035, City of St. Catharines, Regional Municipality of Niagara;
P.I.N. 46157-0344 (LT); and

Part of Lot 1, Concession 4 Louth, described as Part 5 on Reference Plan 30R-13035, City of St. Catharines, Regional Municipality of Niagara;
P.I.N. 46157-0342 (LT)

Schedule "C2"

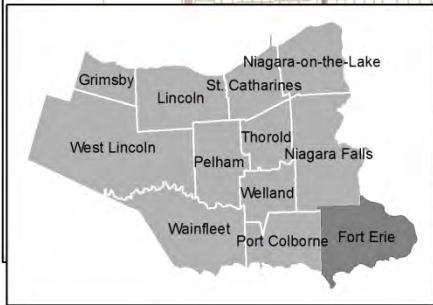
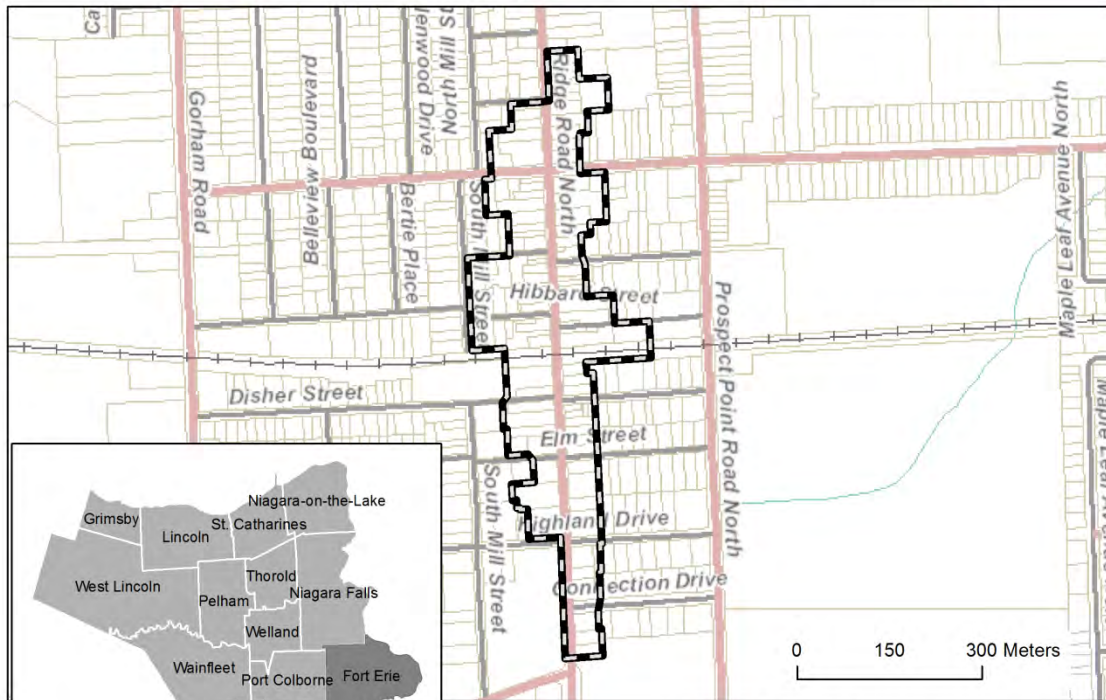
***Legal Description of the Hospital
Lands on Main Street East, Grimsby***


Part of Lot 5, Concession 1 North Grimsby, described as Parts 6, 7 and 8 on Reference Plan 30R-6103, together with RO151366, RO152759, RO153070, RO502734, RO556583 and RO152336, subject to RO598003 and RO751488, Town of Grimsby, Regional Municipality of Niagara;
P.I.N. 46028-0180 (LT); and

Part of Lot 5, Concession 1 North Grimsby, described as Parts 1 to 14 on Reference Plan 30R-12012, subject to RO502734 and RO598004, together with RO151366, RO152336, RO153384, RO152759, RO153070 and RO556583, Town of Grimsby, Regional Municipality of Niagara;
P.I.N. 46028-0503 (LT)

SCHEDULE "D"
AREAS FOR (PARTIAL) REGIONAL DEVELOPMENT CHARGE
EXEMPTION/WAIVER

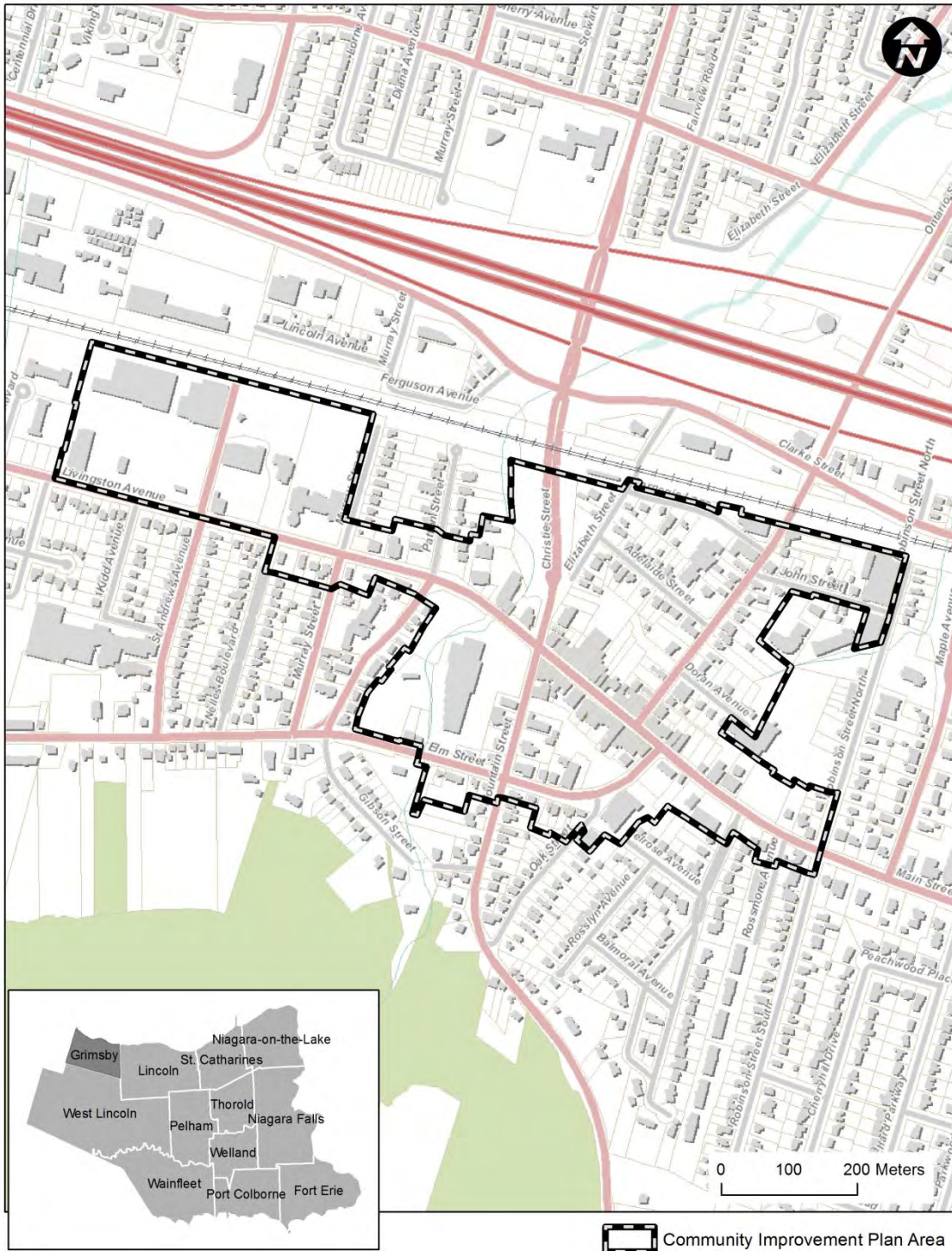
TOWN OF FORT ERIE



 Community Improvement Plan Area

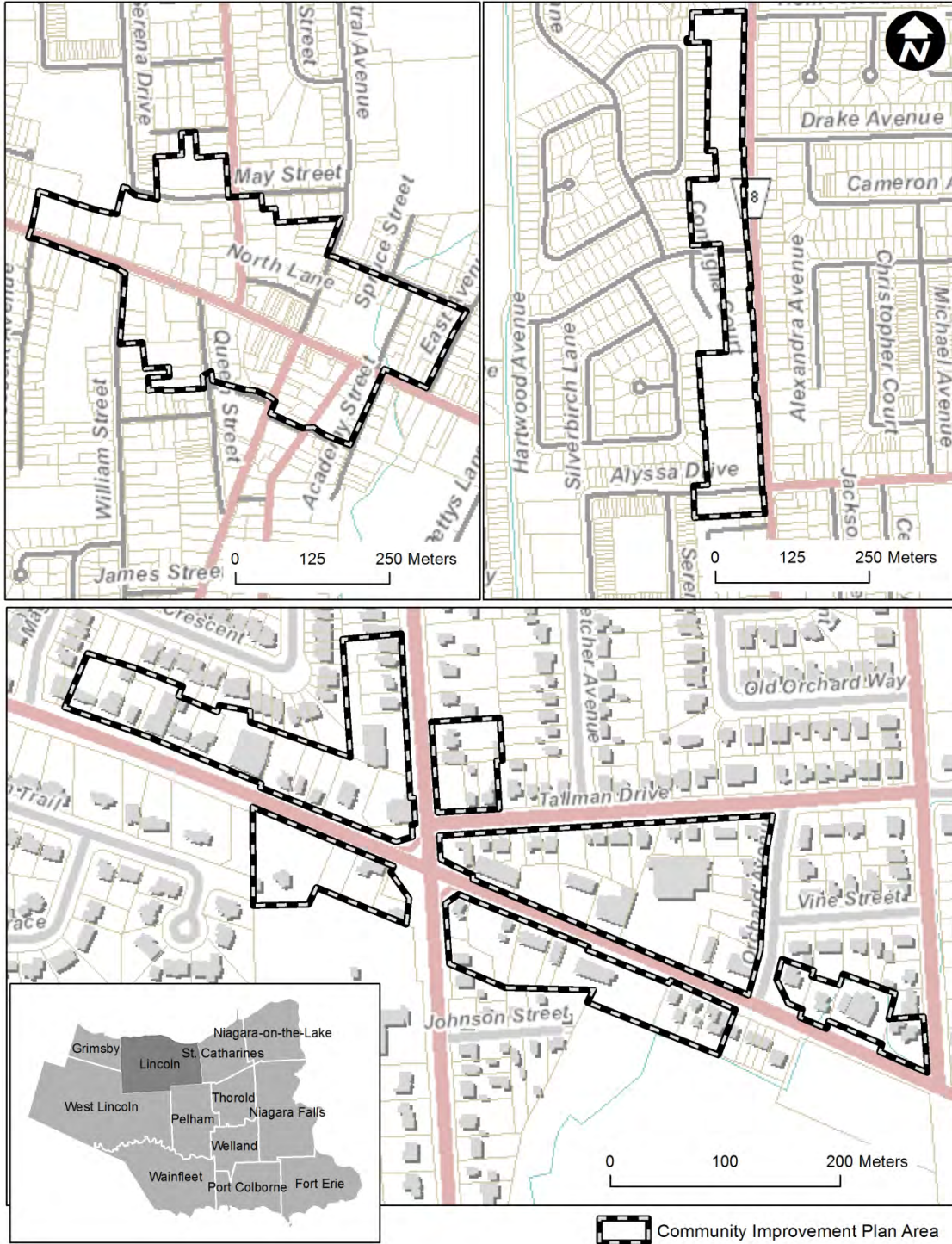
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EXEMPTION/WAIVER

TOWN OF GRIMSBY



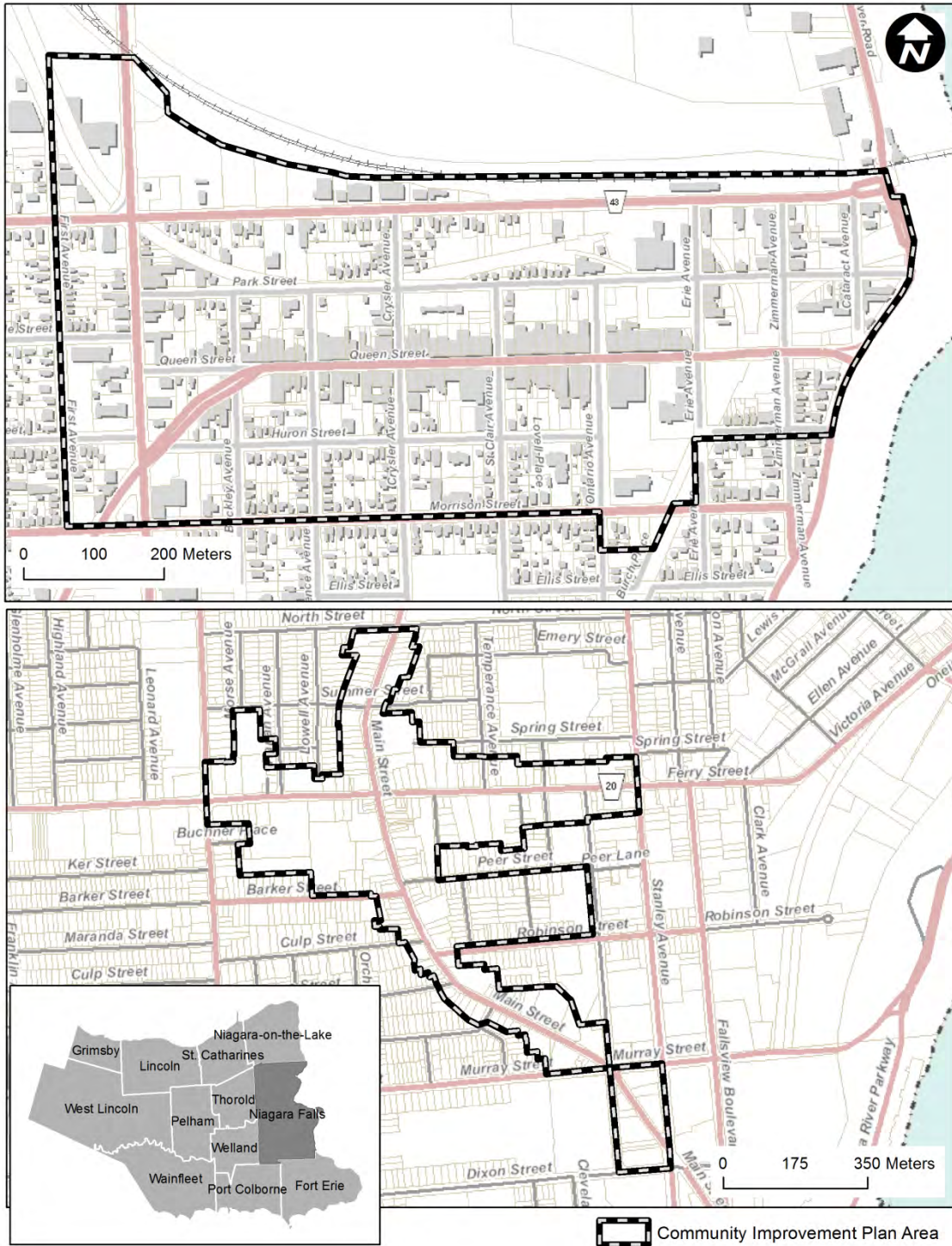
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EXEMPTION/WAIVER

TOWN OF LINCOLN



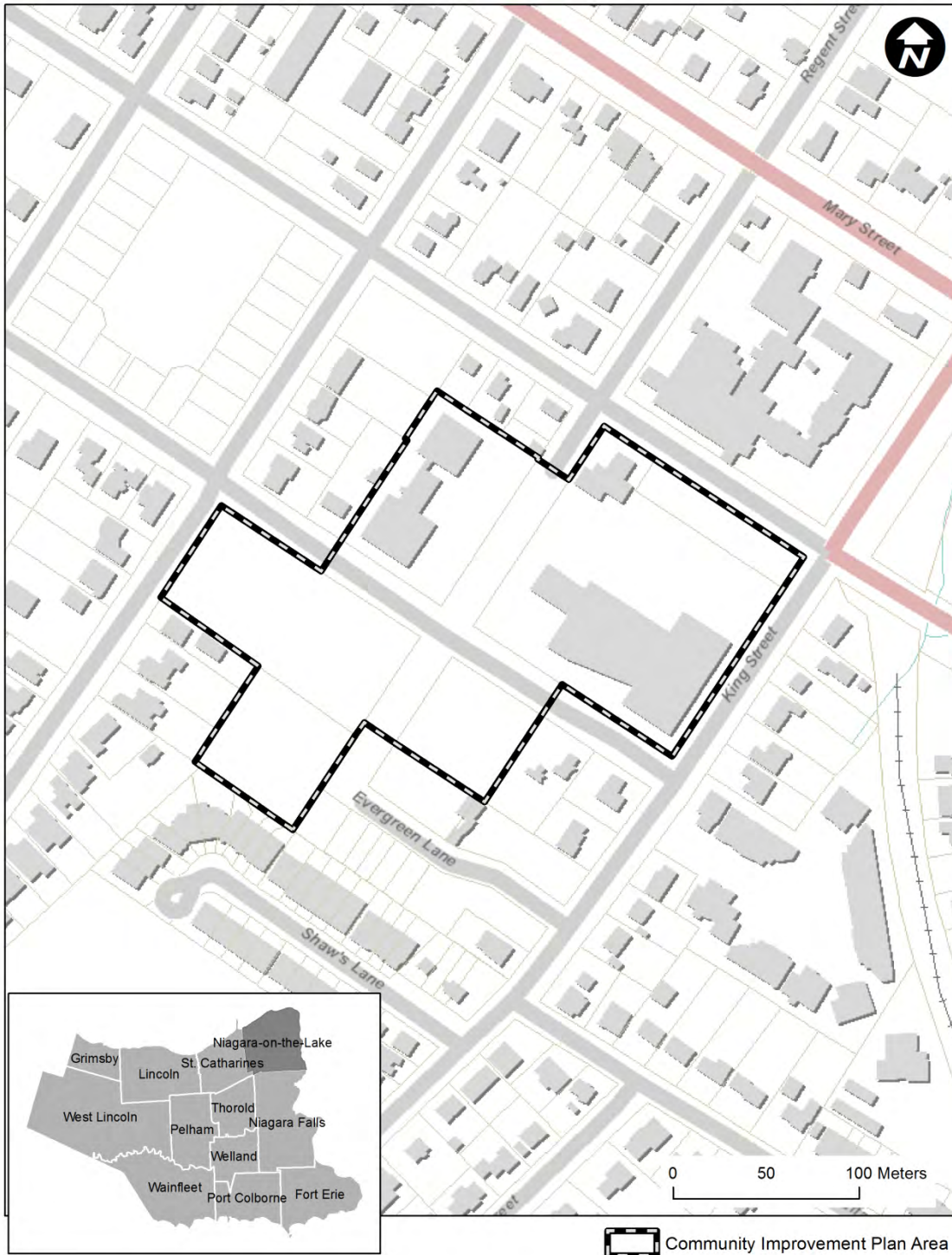
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EXEMPTION/WAIVER

CITY OF NIAGARA FALLS



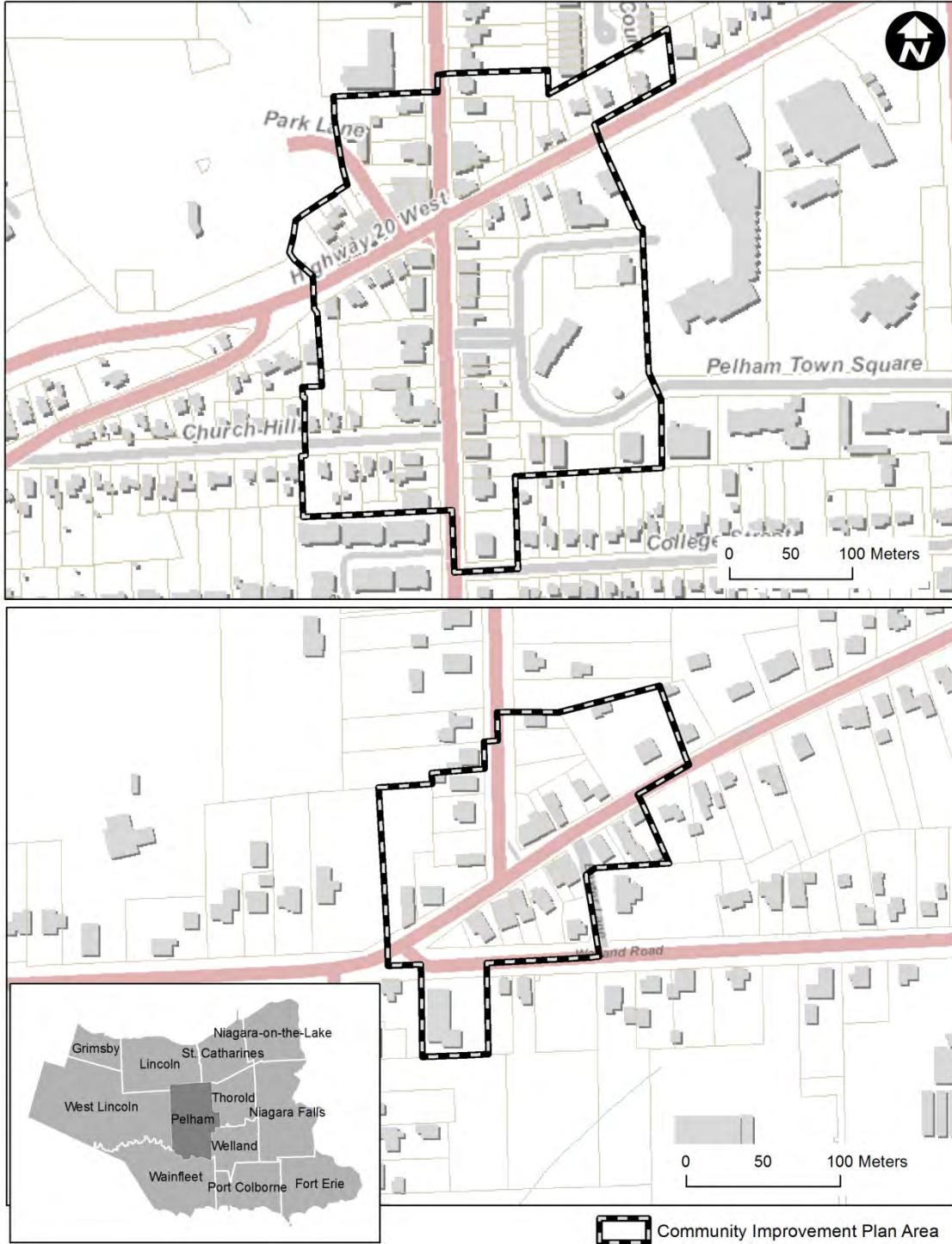
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EXEMPTION/WAIVER

TOWN OF NIAGARA –ON-THE-LAKE



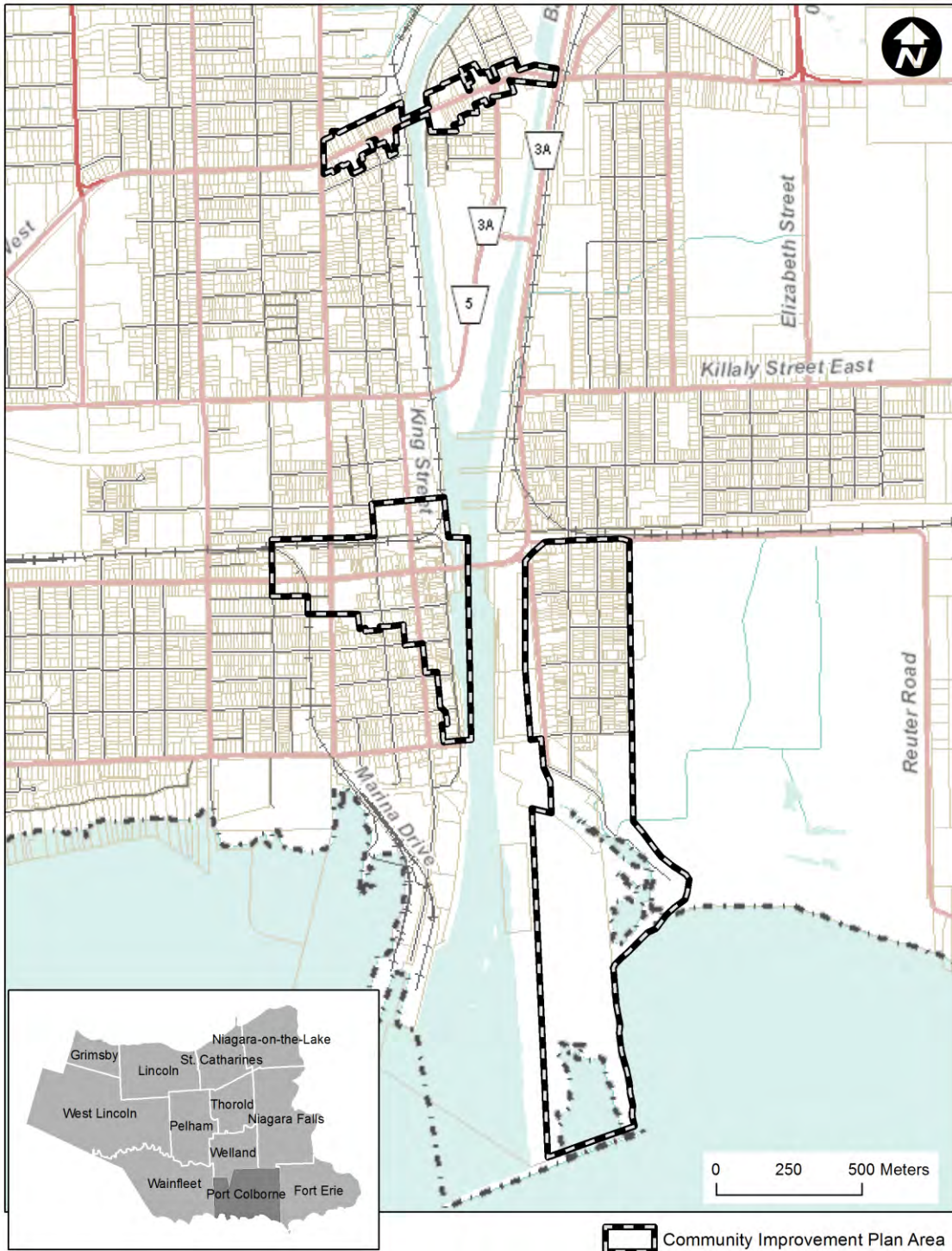
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EXEMPTION/WAIVER

TOWN OF PELHAM



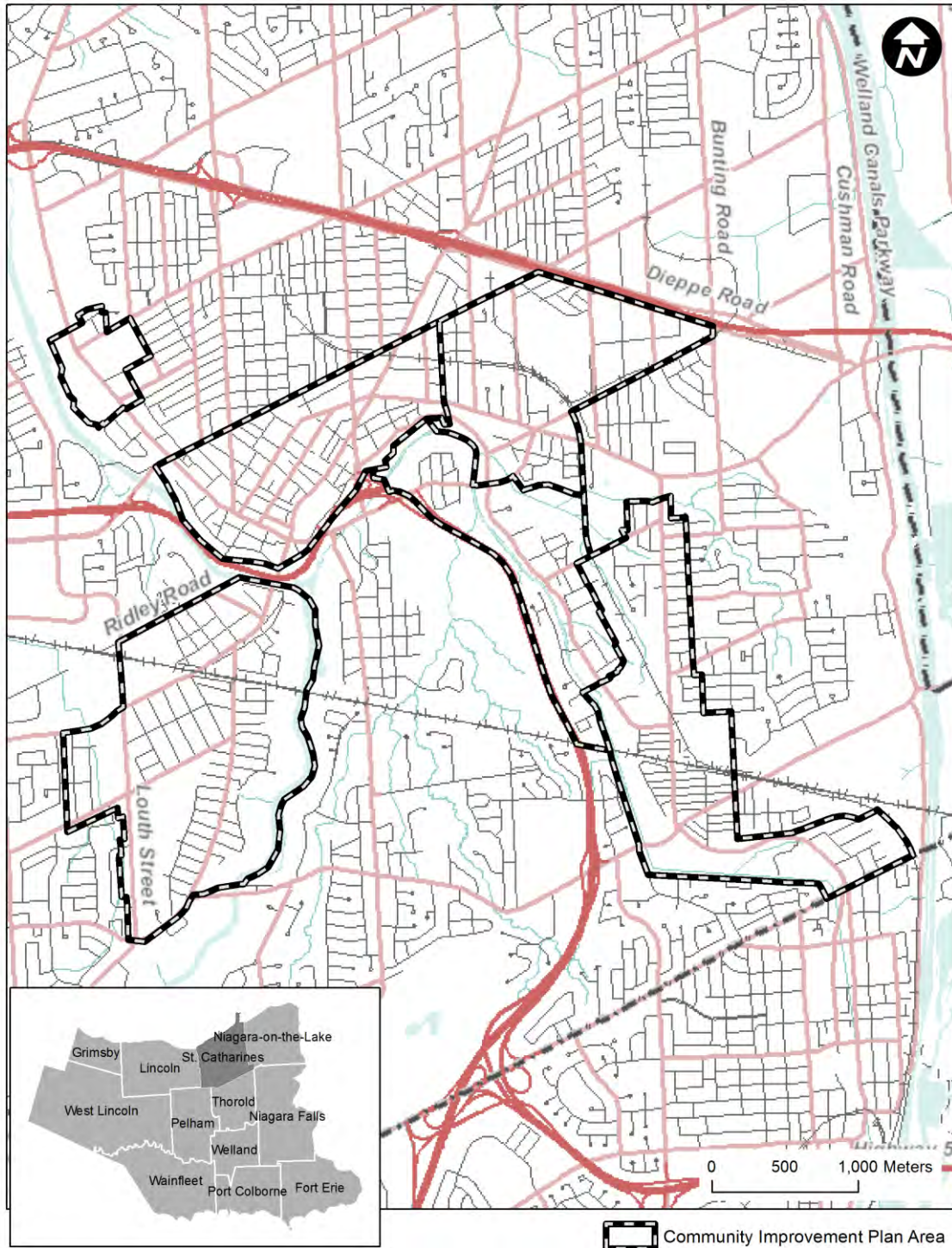
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EXEMPTION/WAIVER

CITY OF PORT COLBORNE



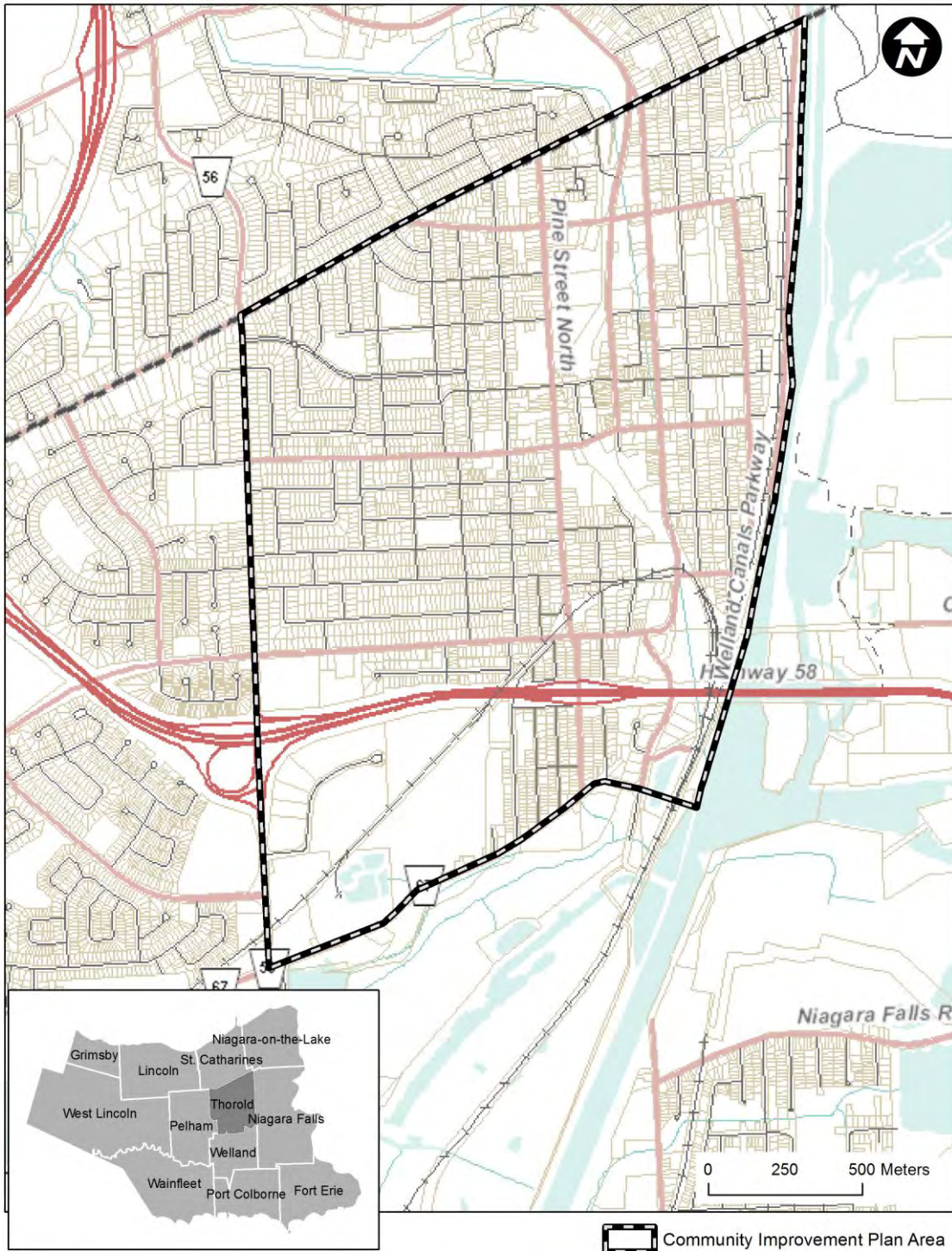
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AREAS FOR (PARTIAL) REGIONAL DEVELOPMENT CHARGE
EXEMPTION/WAIVER

CITY OF ST. CATHARINES



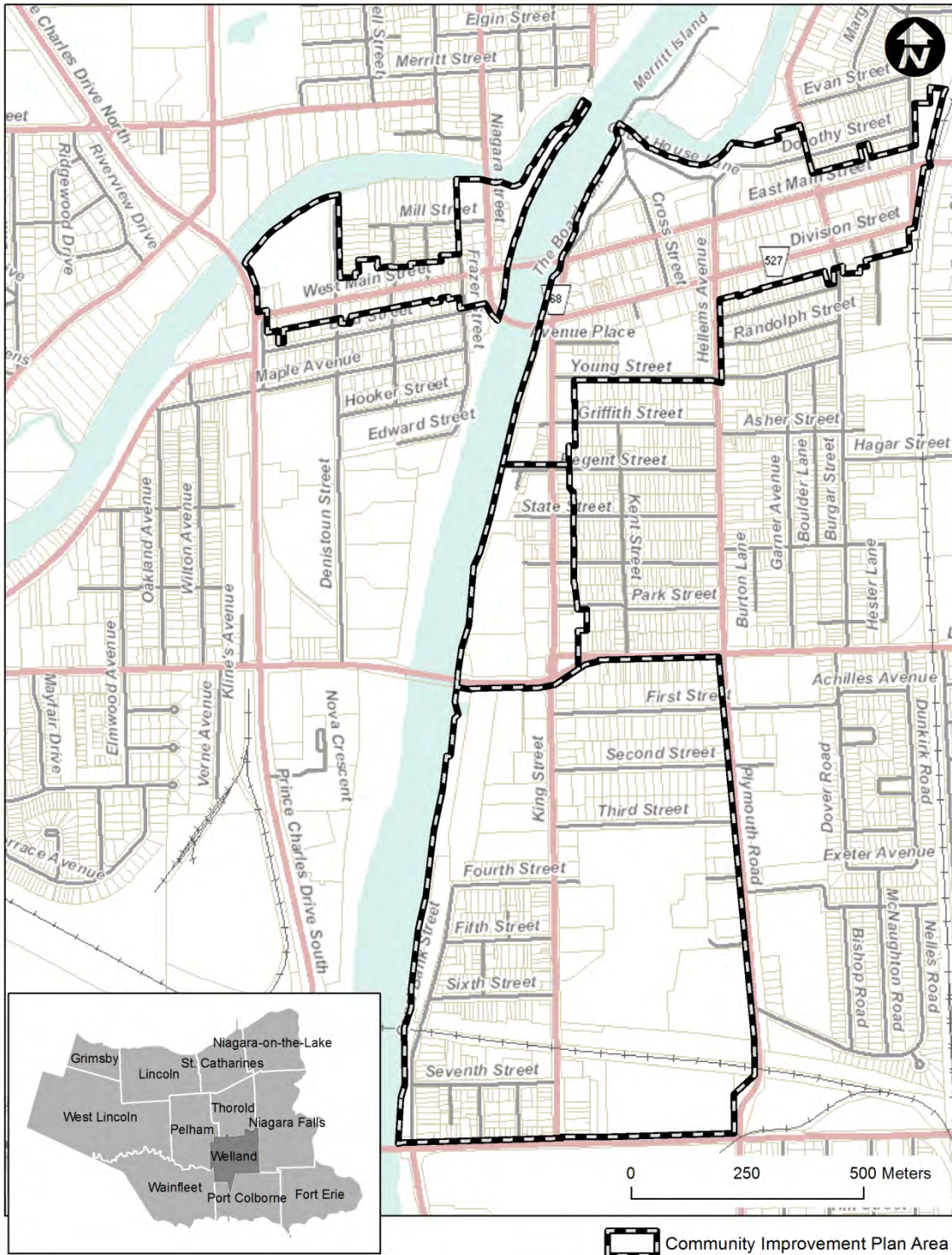
SCHEDULE "D"
AREAS FOR (PARTIAL) REGIONAL DEVELOPMENT CHARGE
EXEMPTION/WAIVER

CITY OF THOROLD



SCHEDULE "D"
AREAS FOR (PARTIAL) REGIONAL DEVELOPMENT CHARGE
EXEMPTION/WAIVER

CITY OF WELLAND



SCHEDULE "D"
AREAS FOR (PARTIAL) REGIONAL DEVELOPMENT CHARGE
EXEMPTION/WAIVER

TOWNSHIP OF WEST LINCOLN

